

**LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE
RECOMMENDATIONS FOR FY 2013-14
TO THE PROVISO SUBCOMMITTEE**

SECTION 59 - E20-OFFICE OF ATTORNEY GENERAL

59.gvp **ADD** (Gang Violence Prevention/Youth Mentor) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the Attorney General to spend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with the Youth Mentor Act. *Allows the agency to fund gang violence prevention programs and youth mentoring projects.* Fiscal Impact: No impact on the General Fund. Agency intends to use up to \$85,000 of miscellaneous litigation other funds for this purpose. Requested by Office of Attorney General.

59.gvp. (Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth Mentor Act.

SECTION 60 - E21-PROSECUTION COORDINATION COMMISSION

60.3 **AMEND** (Judicial Circuits State Support) Requires Judicial Circuits (16) State Support funds to be apportioned among the circuits on a per capita basis based on the current official census. **SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to direct that the first \$4,692,961 be distributed on a per capita basis while the next \$3,200,000 be distributed on a pro-rata basis. *Distribution of additional funds requested on a pro-rata basis (\$200,000 per circuit) would benefit circuits that receive less money under the per-capita distribution because of smaller population.* Fiscal Impact: Additional \$3,200,000 in state funds is requested.

60.3. (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the current official census. The next \$3,200,000 shall be distributed on a pro-rata basis. Payment shall be made as soon after the beginning of each quarter as practical.

60.dui **ADD** (DUI Prosecution) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require Driving Under the Influence (DUI) Prosecution funds be apportioned among the circuits on a pro-rata basis. Require the commission to retain non-privileged DUI prosecution information and data and provide such information, including the number and types of dispositions and the county where the disposition took place, to the General Assembly in an annual report within 60 days after the end of the fiscal year. *Mirrors CDV Prosecution proviso 60.7.* Fiscal Impact: Agency has requested \$1.6 million to fund this initiative. Requested by Prosecution Coordination Commission.

60.dui. (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

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SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION

62.cp **ADD** (Compensatory Payment) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize exempt SLED employees to be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, if the Governor declares a state of emergency. Requested by State Law Enforcement Division.

62.cp. (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, and providing funds are available.

62.ml **ADD** (Meth Lab Clean Up Carry Forward) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorized SLED to carry forward any unexpended "Meth Lab Clean Up" funds and expend such funds for the same purpose. Requested by State Law Enforcement Division.

62.ml. (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the special line "Meth Lab Clean Up" may be carried forward and expended for the same purpose in the current fiscal year.

62.crs **ADD** (\$25 Criminal Record Search Fee) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize SLED to charge and collect a \$25 fee to conduct a criminal record search pursuant to Chapter 73 [SOUTH CAROLINA LAW ENFORCEMENT DIVISION] Article 3 [CRIMINAL INFORMATION & COMMUNICATION] Subarticle 1 [COMPUTERIZED CRIMINAL HISTORY]. Require the first \$4,000,000 collected be deposited into the General Fund and allow SLED to collect, retain, expend, and carry forward any funds collected above that amount for agency operations. *SLED plans to offer online credit card payments for record search fees using SC.GOV and states they needs additional revenue to cover the migration cost.* Fiscal Impact: Section 23-3-115 requires \$4,461,000 of the funds generated from record search fees to be remitted to the General Fund, consequently there would be reduction of \$461,000 in General Fund revenue. Requested by State Law Enforcement Division.

62.crs. (SLED: \$25 Criminal Record Search Fee) The State Law Enforcement Division shall charge and collect a fee of twenty-five dollars for each criminal record search conducted pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73, of the Code of Regulations. All revenue generated up to an amount of four million dollars collected from the criminal record search fee must be deposited to the general fund of the State; any revenue generated above this amount shall be collected, retained, expended, and carried forward by the State Law Enforcement Division for agency operations.

SECTION 63 - K05-DEPARTMENT OF PUBLIC SAFETY

63.1 **DELETE** (Special Events Traffic Control) Prohibits the Department of Public Safety from charging a fee to recover the costs associated with special events traffic control. **SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: DPS states they currently expend approximately \$568,404 yearly to provide traffic control for special events.

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~~63.1. (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities to defray the actual expenses incurred for services provided by the Department of Public Safety.~~

63.7 DELETE (Retention of DMV Cash Transfer) Authorizes DPS to expend and carry forward funds transmitted by the DMV per Proviso 90.20 of the 2009-10 Appropriation Act.
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funding has been expended.* Requested by Department of Public Safety.

~~63.7. (DPS: Retention of DMV Cash Transfer) The Department of Public Safety is hereby authorized to retain, expend, and carry forward funds transmitted by the Department of Motor Vehicles without any specific restrictions for the utilization of these funds pursuant to Proviso 90.20 (SR: DMV Cash Transfer) of Act 23 of 2009.~~

SECTION 65 - N04-DEPARTMENT OF CORRECTIONS

65.18 AMEND (Work Release Transportation Fee) Authorizes the department to charge a transportation fee of \$4 per day to participants in the work release program and to retain fees collected to offset the cost of transporting work release participants and the replacement of work release vehicles.
SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete "\$4.00" and direct that the department shall set the fee. Requested by Department of Corrections.

~~65.18. (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00 per-day transportation fee to participants in the work release program only when such transportation is provided by the department. Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of work release participants and vehicle replacement for the work release program. *The fee shall be set by the department.*~~

65.wr ADD (Wateree River Correctional Institutions) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the department to use inmate labor for work associated with the Wateree River Correctional Institution Radium - Drinking Water Compliance Project. Fiscal Impact: Agency indicates use of inmate labor could save the department approximately \$500,000. Requested by Department of Corrections.

~~*65.wr. (CORR: Wateree River Correctional Institution) The Department of Corrections may utilize inmate labor to perform any portion of the work which will be installed on the Wateree River Correctional Institution property for the Wateree River Correctional Institution Radium - Drinking Water Compliance Project.*~~

SECTION 66 - N08-DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES

66.2 AMEND (Interstate Compact Application Fee) Authorizes the Department to charge, retain, expend, and carry forward an application fee of up to \$100 to offenders applying for transfer under the Interstate Compact Act.

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SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the cap of \$100 on the application fee allowed to be charged. *Allows the department to set the fee.* Requested by Department of Probation, Parole, and Pardon Services.

66.2. (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, ~~not to exceed \$100~~, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

66.5 **AMEND** (Offender Drug Testing Fee) Authorizes the department to charge, retain, expend, and carry forward a fee of up to \$50 for drug testing; fee may be waived for indigent offenders. **SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the cap of \$50 on the drug testing fee. *Allows the department to set the fee.* Requested by Department of Probation, Parole, and Pardon Services.

66.5. (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, ~~not to exceed \$50~~, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

66.6 **AMEND** (Public Service Employment Set-Up Fee) Authorizes the department to charge and retain a \$25 fee for offenders ordered to public service employment; directs the agency report to the Senate Finance and House Ways and Means Committees on the number of offenders assessed the fee and the amount of funds collected. **SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the specific amount of \$25 for a Public Service Employment set-up fee. *Allows the department to set the fee.* Requested by Department of Probation, Parole, and Pardon Services.

66.6. (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a ~~twenty-five dollar~~ Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds collected.

SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE

67.13 **DELETE** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to use up to \$1.5 million of unobligated permanent improvement project funds for operating purposes in order to maintain constitutional conditions at its facilities. **SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *No longer needed because insufficient funds are in PIP account to execute.* Requested by Department of Juvenile Justice.

67.13. (DJJ: Emergency Authority to Transfer PIP Funds) ~~The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of~~

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~~Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year 2012-13 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.~~

- 67.14 DELETE** (Emergency Release for Community Evaluation) Authorizes DJJ to place juveniles in their home or community while undergoing community evaluation unless the judge finds the child to be a flight or public safety risk.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Section 63-19-1440(C).* Requested by Department of Juvenile Justice.

~~**67.14.** (DJJ: Emergency Release for Community Evaluation) The Department of Juvenile Justice is authorized to allow any child adjudicated delinquent for a status offense, for a misdemeanor offense other than Assault and Battery of a High and Aggravated Nature or Assault with Intent to Kill, or for violation of probation/contempt for any offense who is temporarily committed to its custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child shall not be conducted because the child presents an unreasonable flight or public safety risk to his home community.~~

- 67.15 DELETE** (Earned Compliance Credit) Authorizes a 10-day reduction per month of probationary and parole terms if juvenile is compliant with conditions of supervision of probation or parole to allow officers to focus on higher risk juveniles under supervision.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Section 63-19-1835.* Requested by Department of Juvenile Justice.

~~**67.15.** (DJJ: Earned Compliance Credit) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in residential programs operated for the Department of Juvenile Justice, and in order to reduce caseloads of the Department's probation and parole officers so that these officers can better focus their attention and limited resources on those offenders who pose a greater threat to public safety, the Department is authorized to grant up to a ten day reduction of their probationary or parole term to probationers and parolees who are under its supervision for each month they are compliant with the terms and conditions of their probation or parole order.~~

SECTION 117 - X90-GENERAL PROVISIONS

- 117.109 DELETE** (Law Enforcement Special Salary Increase) Provides SLED, DPS, DNR, DPPP, and the Forestry Commission Class I law enforcement officers whose annual salary was \$50,000 or less prior to the base pay increase on 7/1/12 with an additional 2% salary increase.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Increase was provided in FY 2012-13.*

~~**117.109.** (GP: Law Enforcement Special Salary Increase) All funds appropriated to the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, the Department of Probation, Parole, and Pardon Services, and the Forestry~~

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~~Commission for law enforcement salary increases above the amount appropriated for base pay increases for state employees must be distributed on or after July 1, 2012. The specified funds are to be used to increase by two percent, the compensation of Class 1 Law Enforcement Officers whose annual salary was \$50,000 or less prior to the base pay increase authorized in proviso 101.22 of this act.~~

117.16 AMEND (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge and provides compensation guidelines.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fish Hatchery "Superintendents" to "Personnel" and delete reference to Lake Superintendent. *Clarifies term for Fish Hatchery residence allowance and Lake Superintendent positions were eliminated some years ago and there are no longer any residence structures for a superintendent at any state lake site.* Requested by Department of Natural Resources.

117.16. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or program participation. Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery ~~Superintendents~~ *Personnel*, ~~Lake Superintendent~~, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and

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Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a prerequisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.